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Paper No. 8

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**OCT 21 2003**

**OFFICE OF PETITIONS**

**NOTICE**

In re Application of  
James D. Ralph et al  
Application No. 09/002,535  
Filed: January 2, 1998  
Attorney Docket No. F-146A

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

The associate power of attorney filed concurrently with the petition on October 8, 2003 is not acceptable and will not be entered since the attorney of record (Joseph P. Errico) status is showing inactive.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

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Irvin Dingle  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy